

REMARKS

In the February 10, 2004 Office Action, the specification was objected to and claims 1, 3-11 and 16-18, 21, and 22 were rejected in view of prior art. Claims 1, 3-11 and 16-18, and 21-22 were rejected as being indefinite. Claims 12-13 were indicated as being allowed. Appellant wishes to thank the Examiner for this indication of allowance and the thorough examination of this application. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the February 10, 2004 Office Action, the specification and claims 1 and 16 have been amended as indicated above. Thus, claims 1, 3-13, 16-18 and 21-22 are pending, with claims 1, 12 and 16 being the only independent claims. Since this amendment is merely directed to an indefiniteness rejection under 35 U.S.C. §112, second paragraph and reduces issues for appeal, entrance of this amendment is respectfully requested in view of the following comments.

Specification

On page 2 of the Office Action, the specification was objected to for failing to comply with 37 CFR §1.71 and 37 CFR §1.75(d)(1). Specifically, the Office Action asserts that the specification does not provide proper antecedent basis for the drag lever extending towards the rod mount. In response, Appellant disagrees with the assertion of the Office Action but wishes to amend the specification to more clearly provide proper antecedent basis for the limitations of claims 1 and 16.

Appellant believes that the specification as amended by the January 13, 2004 Amendment and Figure 1 adequately provide antecedent basis for the claimed subject matter. More specifically, Figure 1 as originally filed and the paragraph beginning on page 6, line 24 of the specification as amended by the January 13, 2004 Amendment illustrate and describe the

drag lever 5 that extends upward toward the rod mount 20, i.e., toward the side of the reel unit 2 on which the rod mount 20 is mounted. Thus, Appellant believes that the specification as amended by the January 13, 2004 Amendment adequately provides antecedent basis for the claimed subject matter.

However, Appellant wishes to amend the specification as presented above, so as to state that the drag lever extends toward *the side of the reel body on which the mounting pod 21 is disposed*. Since this aspect of the present invention is illustrated in Figure 1 as originally filed, Appellant believes that no new matter will be added by this amendment to the specification. Appellant also believes that the specification as filed by the attached Amendment even more clearly provides antecedent basis for the claimed invention. As discussed below, Appellant also wishes to amend claims 1 and 16 to conform to the amended specification.

Appellant believes that this amendment to the specification narrows the issue for appeal and complies with 37 CFR §1.116. The specification as amended above also complies with 37 CFR §1.71 and 37 CFR §1.75(d)(1). Entrance of this amendment and withdrawal of the objections are respectfully requested.

Claim Rejections - 35 U.S.C. §112

On page 2 of the Office Action, claims 1, 3-11, 16-18 and 21-22 were rejected under 35 U.S.C. §112, second paragraph. More specifically, the Office Action asserts that it is unclear how the drag lever is meant to extend toward the rod mount since the drag lever is pivotally fitted to the reel body and can rotate to extend in multiple different directions. In response, Appellant respectfully disagrees with this assertion but wishes to amend claims 1 and 16 to further clarify the language of claims 1 and 16.

Appellant respectfully disagrees with the assertion of the Office Action because Appellant believes that the language of claims 1 and 16 as amended by the January 13, 2004

Amendment is definite and distinctly claims the subject matter of the present invention. More particularly, claims 1 and 16 recite that the drag lever is *pivotal* as opposed to *rotatable* relative to the reel body. In other words, the direction in which the drag lever extends can change only within an angular range in which the drag lever extends upward toward the rod mount, i.e. toward the side of the reel unit on which the rod mount is attached. This aspect of the present invention is clearly illustrated in Figure 1 as originally filed, which shows that the drag lever 5 can pivot only within the unnumbered groove (*see* Exhibit A, which is an annotated Figure 1), such that the drag lever 5 always extends upward toward the rod mount 20 regardless of where the drag lever 5 is positioned within its pivotal axial range.

However, the Appellant wishes to amend claims 1 and 16 as presented above, so as to recite that the drag lever extends toward *the side of the reel body on which the rod mount is mounted*. Since this aspect of the present invention is illustrated in Figure 1 as originally filed, Appellant believes that no new matter will be added by this amendment. Thus, Appellant believes that claims 1 and 16 as amended by the attached Amendment even more clearly claim the subject matter of the present invention.

Furthermore, Appellant believes that this amendment to claims 1 and 16 narrows the issues for appeal and complies with 37 CFR §1.116. Entrance of this amendment and withdrawal of the rejections are respectfully requested.

Rejections - 35 U.S.C. § 103

On pages 2-9 of the Office Action, claims 1, 3-13, 16-18 and 21-22 stand rejected under 35 U.S.C. §103(a). Appellant respectfully traverses the rejections of these claims. Appellant's detailed response to these rejections is presented in the Appeal Brief attached hereto.

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Appl. No. 09/986,689
Amendment dated June 4, 2004
Reply to Office Action of February 10, 2004

In view of the foregoing amendment and comments, Appellant respectfully requests that the amendments to the specification and claims 1 and 16 be entered as presented above and the rejections under 35 U.S.C. §112 to claims 1, 3-11, 16-18 and 21-22 be withdrawn.

Respectfully submitted,



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